

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 97

April 30, 1996, 8:33 p.m.
Page S-4417 Temp. Record

ILLEGAL ALIENS/Public Charge Definition

SUBJECT: Immigration Control and Financial Responsibility Act of 1996 . . . S. 1664. Simon amendment No. 3809 to the Dole (for Simpson) amendment No. 3743.

ACTION: AMENDMENT REJECTED, 36-63

SYNOPSIS: As reported, S. 1664, the Immigration Control and Financial Responsibility Act of 1996, will address the issue of illegal immigration: by increasing the number of Border Patrol and investigative personnel; by establishing pilot programs to improve the system used by employers to verify citizenship or work-authorized alien status; by increasing penalties for alien smuggling and document fraud; by reforming asylum, exclusion, and deportation laws and procedures; and by reducing the use of welfare by aliens.

The Dole (for Simpson) perfecting amendment to the bill would strike all after the first word and would insert the text of the bill, as amended, with one technical change.

The Simon amendment would amend the section of the bill that will make aliens deportable if they receive welfare for more than 12 months in the first 5 years in which they are in the country. The bill will provide exceptions only for those benefits that are available to illegal aliens, which are emergency medical services, disaster relief, the school lunch program, the Women, Infants, and Children (WIC) program, and immunization programs. The Simon amendment would change these provisions by only allowing aliens to be deported who received Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI) benefits, food stamps, Medicaid benefits, housing assistance, and State cash assistance benefits for a total of 12 months in the first 5 years that they were in the United States.

Those favoring the amendment contended:

Under the terms of this bill, a legal immigrant may be deported if he or she receives higher education assistance or job training assistance or any of a number of other types of assistance for more than 12 months total in the first 5 years he or she is in the United

(See other side)

YEAS (36)			NAYS (63)			NOT VOTING (1)	
Republicans (3 or 6%)	Democrats (33 or 70%)		Republicans (49 or 94%)	Democrats (14 or 30%)		Republicans (1)	Democrats (0)
Chafee	Akaka	Kohl	Abraham	Hutchison	Baucus	Cohen- ²	
Hatfield	Bingaman	Lautenberg	Ashcroft	Inhofe	Biden		
Jeffords	Bradley	Leahy	Bennett	Kassebaum	Boxer		
	Breaux	Levin	Bond	Kempthorne	Bryan		
	Daschle	Lieberman	Brown	Kyl	Bumpers		
	Dodd	Mikulski	Burns	Lott	Byrd		
	Dorgan	Moseley-Braun	Campbell	Lugar	Conrad		
	Feingold	Moynihan	Coats	Mack	Exon		
	Glenn	Murray	Cochran	McCain	Feinstein		
	Graham	Nunn	Coverdell	McConnell	Ford		
	Harkin	Pell	Craig	Murkowski	Heflin		
	Hollings	Robb	D'Amato	Nickles	Johnston		
	Inouye	Rockefeller	DeWine	Pressler	Pryor		
	Kennedy	Sarbanes	Dole	Roth	Reid		
	Kerrey	Simon	Domenici	Santorum			
	Kerry	Wellstone	Faircloth	Shelby			
		Wyden	Frist	Simpson			
			Gorton	Smith			
			Gramm	Snowe			
			Grams	Specter			
			Grassley	Stevens			
			Gregg	Thomas			
			Hatch	Thompson			
			Helms	Thurmond			
				Warner			
						EXPLANATION OF ABSENCE	
						1—Official Buisiness	
						2—Necessarily Absent	
						3—Illness	
						4—Other	
						SYMBOLS:	
						AY—Announced Yea	
						AN—Announced Nay	
						PY—Paired Yea	
						PN—Paired Nay	

States. This requirement does not make any sense. Many legal immigrants are likely to violate it innocently and be kicked out of the country. If we are going to evict legal immigrants for receiving welfare, we should be very clear as to which welfare programs we mean and we should mean only those larger, more abused programs. The Simon amendment would follow this course. It would only allow an alien to be deported for receiving Supplemental Security Income (SSI; the most abused program) benefits, Aid to Families with Dependent Children (AFDC) benefits, Medicaid benefits, food stamps, housing assistance, or State cash assistance. This amendment would remove any ambiguity and would remove most of the abuses. Legal immigrants who are not on these programs are almost certainly working or are being given support by their sponsors as promised. The House has already adopted the approach that is taken by the Simon amendment; the Senate should follow suit.

Those opposing the amendment contended:

Ever since 1882 the United States has prohibited the entry of immigrants who cannot take care of themselves, and has allowed their deportation if they do. We agree with that law, though it has been unenforceable due to a 1948 ruling by an administrative judge at the Justice Department. That ruling says that to deport an alien, the Government has to prove first, that the alien received benefits, second, that the agency requested repayment, and third, that the alien refused. Though 20 percent of immigrant households are on welfare, this requirement resulted in only 13 immigrants being deported in all of last year. Clearly the law needs to be fixed, and this bill will fix it. This bill will provide for the deportation of an alien who receives means-tested benefits for more than 12 months total in the first 5 years that he or she is in America.

Our colleagues have objected that they think that poor legal immigrants should be allowed to get some benefits from the taxpayers without being deported. In general, they have suggested that immigrants should not be given cash benefits or Medicaid, but that they should have ready access to all other welfare programs. Our colleagues think that immigrants should have that access despite the fact that they were only admitted into this country on the condition that they would not become a burden on the taxpayers. We emphatically disagree. We have enough people in need in this country already without bringing in more people to add to the burden. Further, these immigrants understood or should have understood that they were expected to rely on themselves or their sponsors as a condition of admission into the United States. The amount of money that is spent on non-cash welfare programs is substantial. It should not be made greater by bringing in more people from abroad to enroll in the programs. We thus urge the rejection of the Simon amendment.